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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/319,811 07/26/99 ALBERTINI

C 76252

EXAMINER

MMC2/0502

WELSH & KATZ  
120 SOUTH RIVERSIDE PLAZA  
22ND FLOOR  
CHICAGO IL 60606

NOORI, M

ART UNIT

PAPER NUMBER

2855

DATE MAILED:

05/02/00

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

# Office Action Summary

Application No.  
**09/319,811**

Applicant(s)  
**Albertinin et al.**

Examiner  
**Max H. Noori**

Group Art Unit  
**2855**



☒ Responsive to communication(s) filed on Apr 14, 2000

☒ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

## Disposition of Claims

☒ Claim(s) 1-16 is/are pending in the application.

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

☐ Claim(s) \_\_\_\_\_ is/are allowed.

☒ Claim(s) 1-16 is/are rejected.

☐ Claim(s) \_\_\_\_\_ is/are objected to.

☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☒ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been

☒ received.

☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

☐ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 7

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-7 and 16, are under 35 U.S.C. 102(b) as being anticipated by Dransfield et al.

Regarding claim 1 and 16, Dransfield et al., disclose a method and apparatus for generating a seismic waves with features of the claimed invention including an energy accumulator assembly (element 10), comprises means to act on a geological member, the assembly's function is based on combustion of explosive gas and is released to impact the geological member and transmits seismic wave to it. The energy accumulator is made of number of sections with different diameters which are clearly interconnected (see claim 1, and upper part of element 10 in figure 1).

Regarding claims 2-4, the impact assembly consists of coaxial cylindrical sections (col. 10, line 3).

Regarding claims 5-7, the impact assembly consists of further stepped down portion and consists of two larger portions (see figure 1, the location of element 22 and upper part).

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 9-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dransfield et al.

Dransfield et al., disclose a method and apparatus for generating a seismic waves teaching or suggesting features of the claimed invention. Dransfield et al., do not however specifically recite the same number of cylinders or the same length for the accumulator. It would have been obvious to one of ordinary skill in the art to modify Dransfield et al., to arrange for any number of cylinders or any desired length. Because when the cited art shows all the fundamental components of the invention, any one of such arrangements fails to provide for an unobvious advantage or a patentable distinction over other similar arrangements and is generally suggested by convenience or a desired intended use.

***Response to Amendment***

5. Applicant's amendments along with arguments filed 4/14/2000 have been fully considered and the rejection of the claims over 35 U.S.C. 112 has been withdrawn. The arguments regarding the rejection on the merit over 35 U.S.C. 102 and 103 are not persuasive. It appears that not only

the cited art to Dransfield et al., shows all the features of the claimed invention including interconnected sections, but the use of such term without sufficient functional language to provide for the importance of this configuration in terms of its structural relationships and their integrity, is merely a matter of an alternative design expedient.

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for response to this final action is set to expire **THREE MONTHS** from the date of this action. In the event a first response is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event will the statutory period for response expire later than **SIX MONTHS** from the date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Max H. Noori whose telephone number is (703) 308-5248. The examiner can normally be reached on Monday-Friday from 8:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Benjamin Fuller, can be reached on (703) 308-0079. The fax number for this group is (703) 308-7382.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-0956.

MHN  
April 24, 2000

  
**MAX NOORI**  
**PRIMARY EXAMINER**